

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, withdrawn claims 23 and 24 have been canceled without prejudice or disclaimer.

In response to the Examiner's restriction requirement, Applicants hereby affirm the election of invention Group I, claims 1-22, without traverse.¹

In the Official Action, claims 1, 2, 7-10, 13, 15-19 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,400,433 (*Arakawa et al*).

Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to a polarizing plate comprising a polarizing membrane and an optically anisotropic layer formed from liquid crystal molecules, wherein the optically anisotropic layer is formed on the polarizing membrane, or wherein an orientation layer is formed on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer.

Arakawa et al does not disclose each feature recited in independent claim 1, and as such fails to constitute an anticipation of such claim. For example, *Arakawa et al* does not disclose that the optically anisotropic layer formed from liquid crystal molecules is formed on the polarizing membrane, or an orientation layer is formed on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer. Concerning such claim recitations, the Patent Office has noted that *Arakawa et al* discloses "a circularly polarizing plate which comprises a linearly polarizing membrane and a quarter wave plate comprising

¹ Applicants note that the Interview Summary provided with the Official Action and discussing the oral election made on July 30, 2007, accurately sets forth the substance of the interview.

an optically anisotropic layer A and an optically anisotropic layer B." Col. 2, lines 15-18.

Such disclosure, however, does not indicate the location or position of the linearly polarizing membrane with respect to the optically anisotropic layers of the quarter wave plate. There is simply no disclosure that the an optically anisotropic layer is formed on the linearly polarizing membrane. Nor is there any disclosure that an orientation layer is formed on the polarizing membrane and the optically anisotropic layer is formed on the orientation layer.

The Patent Office has relied on *Arakawa et al*'s quarter wave plate shown in Figure 3, alleging that one of *Arakawa et al*'s optically anisotropic layers "must be formed directly on the polarizing membrane ." In such quarter wave plate, however, an optically anisotropic layer (B) formed from an uniaxially stretched polymer film is present on one side of the optically anisotropic layer (A) made from discotic liquid crystal molecules. Col. 6, lines 41-49. Further, an orientation layer (O) and transparent support (S) are present on the opposite side of the optically anisotropic layer (A). Thus, contrary to the Patent Office's assertion, it does not even appear to be possible for the optically anisotropic layer (A) made from discotic liquid crystal molecules to be formed directly on the linearly polarizing membrane.

As is discussed in Applicant's disclosure, conventional polarizing plates typically include a pair of protective films and a polarizing membrane, and conventional optical compensatory sheets typically include a transparent support and an optically anisotropic layer. In view the above discussion in connection with Figure 3, as well as the description of the linear polarizing membrane provided at column 26, lines 27-34 of *Arakawa et al*, it is apparent that the structure disclosed by *Arakawa et al* corresponds to such conventional arrangements. Clearly, the polarizing plate recited in claim 1 is distinct from *Arakawa et al* since there is no disclosure that an optically anisotropic layer formed from liquid crystal

molecules is formed on the polarizing membrane, or an orientation layer is formed on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer.

For at least the above reasons, *Arakawa et al* does not constitute an anticipation of the claims. Accordingly, withdrawal of the above §102(e) rejection is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being obvious over *Arakawa et al* and further in view of Japanese Patent Document No. 2000-304931 (*JP '931*).² Claim 5 stands rejected under 35 U.S.C. §103(a) as being obvious over *Arakawa et al*. Claim 6 stands rejected under 35 U.S.C. §103(a) as being obvious over *Arakawa et al*, and further in view of U.S. Patent Application Publication No. 2003/0179456 (*Uchida et al*). Claim 12 stands rejected under 35 U.S.C. §103(a) as being obvious over *Arakawa et al*, and further in view of Japanese Patent Document No. 2001-166145 (*JP '145*). Claims 3, 11, 14 and 20 stand rejected under 35 U.S.C. §103(a) as being obvious over *Arakawa et al*, and further in view of *JP '145*. Withdrawal of these rejections is respectfully requested for at least the following reasons.

For the reasons discussed above, *Arakawa et al* does not disclose or suggest that an optically anisotropic layer formed from liquid crystal molecules is formed on the polarizing membrane, or an orientation layer is formed on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer, as recited in claim 1.

The secondary applied documents fail to cure such deficiency of *Arakawa et al*. In this regard, the Patent Office has relied on *JP '931* for disclosing a specific orientation of discotic liquid crystal molecules with respect to the substrate. *Uchida et al* has been relied on for disclosing the use of a light-diffusing layer. *JP '145* has been relied on for disclosing a

² Applicant notes that while the Official Action at page 6 omitted the last digit of the cited Japanese reference number, upon review of the Examiner's discussion of the contents of such document, it appears that *JP '931* is being relied on.

polarizing plate in which the tilt angle of the cylindrical liquid crystal changes in relation to the distance of the liquid crystal molecules from the optically anisotropic plane, and also the use of two optically anisotropic layers. However, like *Arakawa et al*, the secondary applied documents fail to disclose or suggest that an optically anisotropic layer formed from liquid crystal molecules is formed on the polarizing membrane, or an orientation layer is formed on the polarizing membrane, and the optically anisotropic layer is formed on the orientation layer.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness has been established. Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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